

REMARKS

Claims 11-12 have been canceled as drawn to the non-elected invention of Groups I-II, without prejudice to refiling. In response to the Restriction Requirement, Applicants elect the invention of Group III, with traverse.

Applicants respectfully request the rejoinder of Groups III and IV. It is noted that all the pending claims have been assigned by the Examiner to the same class and subclass, which is class 514, subclass 1.

Claim 1, the only independent claim presently pending, sets forth a method for treating inflammation with a small molecule inhibitor of integrin linked kinase.

Claim 13 (Group III) is a dependent claims that recite the method according to Claim 1, but limiting the claim to molecules that blocks ILK catalytic or binding activity, wherein Claim 14 limits the base claims to molecules that affect ILK activity through direct or indirect modulation of [PtdIns(3,4,5)P₃] levels.

Applicants respectfully submit that Claims 1-10 and 13-14 are drawn to a single invention, with varying scope in the composition of the inhibitor. As set forth in M.P.E.P. 806.03; "where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition."

Even if the Groups III and IV define distinct inventions, restriction is not proper. As set forth in M.P.E.P. 808.02, where the related inventions as claimed are shown to be distinct under the criteria of MPEP § 806.05(c) - § 806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following:

(A) Separate classification thereof: This shows that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) A separate status in the art when they are classifiable together: Even though they are classified together, each subject can be shown to have formed a separate subject for inventive effort when an explanation indicates a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search: Where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.

As stated in the Restriction Requirement, the claims are all in the same class and subclass. The claims do not provide for a separate status in the art; and there is no different field of search. Rejoinder of the groups is requested.

CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number KINE-001CIP5.

Respectfully submitted,

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